

# Notice of Allowability

Application No.

09/890,357

Examiner

Jennine M. Brown

Applicant(s)

ALASTALO ET AL.

Art Unit

1755

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the interview summary of 09/23/2004.
2. ☒ The allowed claim(s) is/are 1-59.
3. ☐ The drawings filed on \_\_\_\_\_ are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

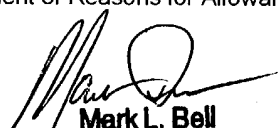
\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date 7/28/2004
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),  
Paper No./Mail Date 09/23/2004.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

  
Mark L. Bell  
Supervisory Patent Examiner  
Technology Center 1700

### EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Kalpner Reddy on 09/23/2004.

The application has been amended as follows:

In claim 18, line 2, delete "the atomic ratio  $Al_{1+2}/Tr$  between, on one hand, the aluminum ( $Al_2$ ) of said second organoaluminum compound and the aluminum ( $Al_1$ ) if the first organoaluminum compound taken together, and, on the other hand, the transition metal (Tr) if said transition metal, is from about 1 to about 10." and **replace with** -- the atomic ratio of the total amount of aluminum to transition metal  $[(Al_1+Al_2)/Tr]$  is from about 1 to about 10 where the total amount of aluminum is the sum of said second organoaluminum compound ( $Al_2$ ) and said first organoaluminum compound ( $Al_1$ ).--

In claim 44, line 7, between "mixture, and", before the comma, **insert** -- wherein the weight ratio between said solid transition metal compound and said oil is between 0.1 and 5 --.

Delete claim 46.

In claim 57, line 1, delete "the atomic ratio  $Al_{1+2}/Tr$  between, on one hand, the aluminum ( $Al_2$ ) of said second organoaluminum compound and the aluminum ( $Al_1$ ) if the first organoaluminum compound taken together, and, on the other hand, the transition metal ( $Tr$ ) if said transition metal, is from about 1 to about 10." and **replace with** -- the atomic ratio of the total amount of aluminum to transition metal  $[(Al_1+Al_2)/Tr]$  is from about 1 to about 10 where the total amount of aluminum is the sum of said second organoaluminum compound ( $Al_2$ ) and said first organoaluminum compound ( $Al_1$ ).--

### ***Claim Objections***

Applicant's amendment obviates the Examiner's previous objection, which has been withdrawn.

### ***Claim Rejections - 35 USC § 112***

The previous rejection has been withdrawn under reconsideration based on Applicant's arguments.

### ***Allowable Subject Matter***

Claims 1-2, 4-45 and 47-59 are allowed.

The following is an examiner's statement of reasons for allowance:

Prior art of record fails to disclose or suggest a catalyst system for the polymerization of olefins prepared by the process of claim 1, the process for the polymerization of an olefin in the presence of the catalyst system of claim 21 or a process for the preparation of a catalyst system of claim 44.

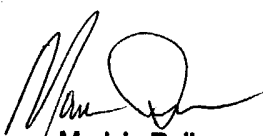
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennine M. Brown whose telephone number is (571) 272-1364. The examiner can normally be reached on M-F 8:00 AM - 6:00 PM; first Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Bell can be reached on (571) 272-1700. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

jmb



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